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**WATER AMENDMENTS**  
**2024 GENERAL SESSION**  
**STATE OF UTAH**  
**Chief Sponsor: Casey Snider**  
**Senate Sponsor: Scott D. Sandall**

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**LONG TITLE**

**General Description:**

This bill addresses issues related to water.

**Highlighted Provisions:**

This bill:

- addresses home owners associations and water wise landscaping;
- permits the state engineer to require data be submitted in a particular format under certain circumstances;
- clarifies who is eligible for grant money for water conservation efforts other than secondary water metering; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 57-8a-231**, as last amended by Laws of Utah 2023, Chapters 139, 199
- 73-5-8**, as last amended by Laws of Utah 2016, Chapter 58
- 73-10-34.5**, as last amended by Laws of Utah 2023, Chapter 260

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **57-8a-231** is amended to read:

**57-8a-231 . Water wise landscaping.**

(1) As used in this section:

- 28 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed  
29 grasses.
- 30 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose  
31 and applied to the soil.
- 32 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water  
33 through a nozzle.
- 34 (d) (i) "Vegetative coverage" means the ground level surface area covered by the  
35 exposed leaf area of a plant or group of plants at full maturity.
- 36 (ii) "Vegetative coverage" does not mean the ground level surface area covered by  
37 the exposed leaf area of a tree or trees.
- 38 (e) "Water wise landscaping" means any or all of the following:
- 39 (i) installation of plant materials suited to the microclimate and soil conditions that  
40 can:
- 41 (A) remain healthy with minimal irrigation once established; or  
42 (B) be maintained without the use of overhead spray irrigation;
- 43 (ii) use of water for outdoor irrigation through proper and efficient irrigation design  
44 and water application; or
- 45 (iii) the use of other landscape design features that:
- 46 (A) minimize the need of the landscape for supplemental water from irrigation;  
47 (B) reduce the landscape area dedicated to lawn or turf; or  
48 (C) encourage vegetative coverage.
- 49 (f) "Water wise plant material" means a plant material suited to water wise landscaping  
50 as defined in this section.
- 51 (2) An association may not enact or enforce a governing document that prohibits, or has the  
52 effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise  
53 landscaping on the property owner's property.
- 54 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association from  
55 requiring a property owner to:
- 56 (i) comply with a site plan review or other review process before installing water  
57 wise landscaping;
- 58 (ii) maintain plant material in a healthy condition; and
- 59 (iii) follow specific water wise landscaping design requirements adopted by the  
60 association including a requirement that:
- 61 (A) restricts or clarifies the use of mulches considered detrimental to the

62 association's operations; and  
 63 (B) restricts or prohibits the use of specific plant materials other than water wise  
 64 plant materials.

65 (b) An association may not require a property owner to~~[: (i)]~~ install or keep in place  
 66 lawn or turf in an area~~[with a width less than eight feet; or (ii) have more than~~  
 67 ~~50% vegetative coverage, that is not water wise landscaping, on the property~~  
 68 ~~owner's property]~~.

69 Section 2. Section **73-5-8** is amended to read:

70 **73-5-8 . Audits -- Reports by users to engineer.**

71 (1) The Division of Water Rights shall, in accordance with Title 63G, Chapter 3, Utah  
 72 Administrative Rulemaking Act, make rules specifying:

73 (a) what water use data a person shall report, pursuant to this section; and  
 74 (b) how the Division of Water Rights shall validate the data described in Subsection  
 75 (1)(a).

76 (2) The Division of Water Rights may:

77 (a) collect and validate water use data~~[-]~~ ; and  
 78 (b) require data be submitted electronically in a particular format by a city of the first  
 79 class or a water conservancy district that provides service in whole or in part within a  
 80 county of the first or second class, if the city or water conservancy district is located  
 81 within:  
 82 (i) the surveyed meander line of the Great Salt Lake;  
 83 (ii) the drainage areas of the Bear River or the Bear River's tributaries;  
 84 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;  
 85 (iv) the drainage areas of the Weber River or the Weber River's tributaries;  
 86 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;  
 87 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;  
 88 (vii) other water drainages lying between the Bear River and the Jordan River that are  
 89 tributary to the Great Salt Lake and not included in the drainage areas described in  
 90 Subsections (2)(b)(ii) through (vi); or  
 91 (viii) the drainage area of Tooele Valley.

92 (3) Every person using water from any river system or water source, when requested by the  
 93 state engineer, shall within 30 days after such request report to the state engineer in  
 94 writing:

95 (a) the nature of the use of any such water;

- 96 (b) the area on which used;
- 97 (c) the kind of crops to be grown;
- 98 (d) water elevations on wells or tunnels; and
- 99 (e) quantity of water used.

100 Section 3. Section **73-10-34.5** is amended to read:

101 **73-10-34.5 . Grant money for existing secondary water metering to facilitate full**  
102 **metering -- Other grants.**

103 (1) As used in this section:

- 104 (a) "Applicant" means a secondary water supplier or group of secondary water suppliers  
105 that applies for a grant under this section.
- 106 (b) "Board" means the Board of Water Resources.
- 107 (c) "Division" means the Division of Water Resources.
- 108 (d) "Project" means the purchase or installation of a meter for a secondary water system  
109 that as of May 4, 2022, provides secondary water service that is not metered.
- 110 (e) "Secondary water" means the same as that term is defined in Section 73-10-34.
- 111 (f) "Secondary water connection" means the same as that term is defined in Section  
112 73-10-34.
- 113 (g) "Secondary water supplier" means the same as that term is defined in Section  
114 73-10-34.

115 (2) (a) The board may issue grants in an amount appropriated by the Legislature in  
116 accordance with this section to an applicant to fund projects for meters on secondary  
117 water systems that before May 4, 2022, provide secondary water service that is not  
118 metered.

119 (b) The board may not issue a grant under this section to fund:

- 120 (i) metering of secondary water for service that begins on or after May 4, 2022; or
- 121 (ii) the replacement or repair of an existing secondary water meter.

122 (c) Notwithstanding the other provisions of this section, the board may issue a grant  
123 under this section to a secondary water supplier to reimburse the secondary water  
124 supplier for the costs incurred by the secondary water supplier that are associated  
125 with installing meters on a secondary water system on or after March 3, 2021, but  
126 before May 4, 2022, except that the grant issued under this Subsection (2)(c):

- 127 (i) shall be included in calculating the total grant amount under Subsections (3)(a)  
128 through (c);
- 129 (ii) may not exceed 70% of the costs associated with a project described in this

- 130 Subsection (2)(c), including installation and purchase of meters; and  
131 (iii) shall comply with Subsection (6).
- 132 (3) (a) A secondary water supplier with 7,000 secondary water connections or less is  
133 eligible for a total grant amount under this section of up to \$5,000,000.
- 134 (b) A secondary water supplier with more than 7,000 secondary water connections is  
135 eligible for a total grant amount under this section of up to \$10,000,000.
- 136 (c) If a secondary water supplier applies for a grant as part of a group of secondary water  
137 suppliers, the total grant amount described in Subsection (3)(a) or (b) applies to each  
138 member of the group and is not based on the number of secondary water connections  
139 of the entire group.
- 140 (d) (i) Subject to the other provisions of this section, a grant may not exceed the  
141 following amounts for the costs associated with a project, including installation  
142 and purchase of meters:
- 143 (A) for calendar year 2022, 70% of the costs of a project;  
144 (B) for calendar year 2023, 70% of the costs of a project;  
145 (C) for calendar year 2024, 65% of the costs of a project;  
146 (D) for calendar year 2025, 60% of the costs of a project; and  
147 (E) for calendar year 2026, 50% of the costs of a project.
- 148 (ii) Beginning with calendar year 2027, a grant under this section shall consist of  
149 providing a meter or funding to obtain a meter, which may not exceed the  
150 following for costs associated with the project:
- 151 (A) for calendar year 2027, 40% of the costs of a project;  
152 (B) for calendar year 2028, 30% of the costs of a project;  
153 (C) for calendar year 2029, 20% of the costs of a project; and  
154 (D) for calendar year 2030, 10% of the costs of a project.
- 155 (e) A secondary water supplier may pay the secondary water supplier's portion of the  
156 costs of a project through a loan from the board under Section 73-10-34 by filing a  
157 separate application with the board.
- 158 (f) A meter purchased with grant money received under this section shall allow for data  
159 communication between the meter and other devices designed to manage use of  
160 secondary water that is:
- 161 (i) open and available to an end user; and  
162 (ii) open so that it can integrate with third-party providers.
- 163 (4) (a) (i) To obtain a grant under this section, an applicant shall submit an

- 164 application with the division during a period of time designated by the board.
- 165 (ii) If there remains money described in Subsection (2) after the grants for  
166 applications submitted during the time period described in Subsection (4)(a) are  
167 awarded, the board may designate one or more additional time periods so that the  
168 entire amount described in Subsection (2) is awarded by December 31, 2024.
- 169 (b) An application submitted to the division shall include:
- 170 (i) a detailed project cost estimate including meter costs and installation costs;
- 171 (ii) a total number of pressurized secondary water connections in the applicable  
172 secondary water supplier's system;
- 173 (iii) the number of meters to be installed under the grant;
- 174 (iv) a detailed estimated secondary water use reduction including:
- 175 (A) average lot size calculations;
- 176 (B) average irrigated acreage; and
- 177 (C) estimated water applied before the project versus after completion of the  
178 project;
- 179 (v) the timeline for purchase and installation of meters under the project;
- 180 (vi) an agreement to:
- 181 (A) provide an educational component for end users as determined by the division  
182 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
183 Rulemaking Act, either on a monthly statement or by a customer specific  
184 Internet portal that provides information on the customer's usage more  
185 frequently than monthly; or
- 186 (B) bill according to usage using a tiered conservation rate and provide an  
187 educational component described in Subsection (4)(b)(vi)(A); and
- 188 (vii) additional information the board considers helpful.
- 189 (5) (a) The division shall:
- 190 (i) review and prioritize an application submitted under Subsection (4); and
- 191 (ii) recommend to the board which applicants should be awarded a grant under this  
192 section.
- 193 (b) In prioritizing applications under this Subsection (5), the division shall rank the  
194 applicants on the basis of the following weighted factors:
- 195 (i) 60% weight based on the ratio of estimated water use reduction divided by total  
196 state investment;
- 197 (ii) 20% weight based on an applicant facing current or potential water shortages

- 198 when installation of meters and subsequent water use reductions will result in  
199 delaying or eliminating the need for new water development; and  
200 (iii) 20% weight based on a project's accelerated construction schedule, prompt start,  
201 and prompt finish.
- 202 (6) As a condition of receiving a grant under this section, the recipient shall enter into an  
203 agreement with the board to use the grant money. The agreement shall:
- 204 (a) be executed by no later than December 31, 2024; and  
205 (b) require that the grant money be spent by December 31, 2026, and the project  
206 completed under the terms of the grant.
- 207 (7) Notwithstanding the other provisions of this section, the board may issue a grant to a  
208 secondary water supplier:
- 209 (a) that installed meters on secondary water connections before May 4, 2022;  
210 (b) that has not otherwise received a grant under this section;  
211 (c) for the purpose of water conservation; and  
212 (d) in an amount not to exceed \$2,000,000.
- 213 (8) Notwithstanding the other provisions of this section, the board may issue a grant to or  
214 convert a grant previously issued to a secondary water supplier described in Subsection [  
215 ~~73-10-34(13)(a)(iii)~~] 73-10-34(13)(a) who seeks to meter at strategic points under  
216 Subsection 73-10-34(13), from money appropriated under this section to fund a project  
217 that is an alternative to metering, such as lining ditches or improving head gates, if the  
218 secondary water supplier establishes to the satisfaction of the board that the alternative  
219 project will conserve more water than is expected to be conserved through metering.
- 220 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
221 consistent with this section, the board may make rules establishing the procedure for  
222 applying for a grant under this section.

223 Section 4. **Effective date.**

224 This bill takes effect on May 1, 2024.